

MESSAGE NO: 7234202 MESSAGE DATE: 08/22/2007

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 2263212
MESSAGE #
(s):

CASE #(s): A-351-806

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 07/01/1999 TO 06/30/2000

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTION FOR SILICON METAL FROM BRAZIL PRODUCED OR EXPORTED BY RIMA INDUSTRIAL S/A (A-351-806-005)

MESSAGE NO: 7234202

DATE: 08 22 2007

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 2263212

REFERENCE DATE: 09 20 2002

CASES: A - 351 - 806

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PERIOD COVERED: 07 01 1999 TO 06 30 2000

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTION FOR SILICON METAL FROM BRAZIL
PRODUCED OR EXPORTED BY RIMA INDUSTRIAL S/A
(A-351-806-005)

1. ON 05/18/2007, THE U.S. COURT OF INTERNATIONAL TRADE (CIT) ISSUED A FINAL DECISION IN THE CASE OF ELKEM METALS CO. AND GLOBE METALLURGICAL, INC., V. UNITED STATES AND RIMA INDUSTRIAL S/A (A-351-806-005), COURT NUMBER 02-00232. AS A RESULT OF THIS DECISION, THE INJUNCTION TO WHICH MESSAGE 2263212, DATED 09/20/2002, REFERS ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON SILICON METAL FROM BRAZIL FOR PERIOD 07/01/1999 THROUGH 06/30/2000 PRODUCED OR EXPORTED BY RIMA INDUSTRIAL S/A DISSOLVED ON 07/17/2007.

2. FOR ALL SHIPMENTS OF SILICON METAL FROM BRAZIL PRODUCED OR EXPORTED BY RIMA INDUSTRIAL S/A, AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 07/01/1999 THROUGH 06/30/2000, ASSESS AN ANTIDUMPING LIABILITY OF 0.00 PERCENT OF THE ENTERED VALUE OF SUBJECT MERCHANDISE.

3. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE PRODUCED OR EXPORTED BY RIMA INDUSTRIAL S/A DURING THE PERIOD 07/01/1999 THROUGH 06/30/2000. THE U.S. DEPARTMENT OF COMMERCE REVOKED THE ANTIDUMPING DUTY ORDER ON SILICON METAL FROM BRAZIL (A-351-806) IN PART VIA MESSAGE 2357204, DATED 12/23/2002. THE PARTIAL REVOCATION APPLIES TO ALL SUBJECT MERCHANDISE MANUFACTURED OR EXPORTED BY RIMA INDUSTRIAL S/A AND THE EFFECTIVE DATE OF REVOCATION IS 07/01/2001. MESSAGE 2357204 DIRECTED U.S. CUSTOMS AND BORDER PROTECTION (CBP) TO TERMINATE THE SUSPENSION OF LIQUIDATION FOR ALL SHIPMENTS OF SILICON METAL FROM BRAZIL MANUFACTURED BY RIMA INDUSTRIAL S/A ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 07/01/2001. THE U.S. DEPARTMENT OF COMMERCE REVOKED THE ANTIDUMPING DUTY ORDER ON SILICON METAL FROM BRAZIL (A-351-806) VIA MESSAGE 6362202, DATED 12/28/2006. THE EFFECTIVE DATE OF THE REVOCATION IS 02/16/2006. MESSAGE 6362202 DIRECTED CBP TO TERMINATE THE SUSPENSION OF LIQUIDATION FOR ALL SHIPMENTS OF SILICON METAL FROM BRAZIL (A-351-806) ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 02/16/2006.

4. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF

THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES

IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

5. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO

LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O4: MC).

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party